UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/NGO/109
14 March 1999

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 March 1999]

GE.99-11515 (E)

Situation of human rights in Colombia

1. The International Federation of Human Rights Leagues and one of its affiliated organizations, the Colectivo de Abogados "José Alvear Restrepo" of Colombia, submit to the Commission on Human Rights at its fifty-fifth session the following written statement on the situation of human rights in Colombia.

2. On 7 August 1998, Dr. Andrés Pastrana Arango replaced Dr. Ernesto Samper Pizano as President of Colombia. During the four-year term of Dr.. Samper's presidency, more than 120,000 persons lost their lives, 10 per cent of whom were executed extrajudicially or killed for political reasons, 750 persons were subjected to enforced disappearances, some 115,000 persons reported violations of their physical integrity and 800,000 more people were displaced as a result of the internal armed conflict, in particular because of the terrorist activities of paramilitary groups.

3. The new Government has focused its efforts on the topic of peace, negotiating with the guerrilla movements. This process still seems too long-drawn-out and uncertain, however. The paramilitary groups, sponsored by the Armed Forces as a scorched-earth counter-insurgency strategy, are still growing in strength. In the last few months, they have massacred hundreds of peasants in various parts of the country. For their part, the guerrillas are continuing their practice of kidnapping. An attack by the ELN on 19 October 1998 against an oil pipeline cost the lives of more than 70 people in the Machuca correctional prison.

4. The peace initiatives of the Government of Colombia have lacked a genuine political will to ensure respect for human rights and to dismantle the paramilitaries. High-ranking army officers, involved in the promotion of death squads or the development of paramilitary activities, have been decorated and promoted by the new Government.

5. The new Government has favoured direct contact with the participants in the armed conflict and has undervalued the dialogue with trade unions and human rights organizations. Between 7 and 26 October 1998, a national general strike was held to protest against tax reforms which would damage still further the meagre incomes of most public employees. During the strike, seven union members were murdered, including Jorge Ortega García, Vice-President of the largest trade union, the Central Unitaria de Trabajadores (CUT). One month previously, the Observatory for the Protection of Human Rights Defenders had made an urgent appeal for his protection, because his life had been threatened.

6. In its ruling of 20 October 1998, the Constitutional Court ordered the State to provide urgent protection for human rights defenders in the following terms:

> "Declares that there are unconstitutional aspects to the lack of protection for human right defenders and, in consequence, calls upon all the authorities in the Republic to put an end to such a situation and requests the Attorney-General of the Nation and the Ombudsman to pay

special attention, within their constitutional obligation to watch over, protect and promote human rights, to the protection of the lives of human rights defenders."

7. Despite the order of the Constitutional Court, the repeatedly expressed concern of the United Nations Commission on Human Rights regarding the plight of human rights defenders and the appeals by the international community that their lives be protected and their freedom and work safeguarded, human rights defenders in Colombia continue to receive systematic threats in a climate of utter impunity. On 28 January 1999, the human rights defenders, Jairo Bedoya Carvajal, Claudia Tamayo, Olga Ruth Rodas Duque and Jorge Salazar, members of the Instituto Popular de Capacitación (IPC), were kidnapped in the city of Medellín by paramilitary groups which, in a widely distributed communiqué, described them as para-subversives and guerrillas, stating that they were considered to be "prisoners of war", and announced that their groups would continue their attacks against all defenders who, in their view, deserved such a description. Thanks to the intervention of the International Committee of the Red Cross (ICRC) and the mobilization of the international human rights community, these persons were released, but human rights defenders are still in the front line of paramilitary repression. On 30 January 1999, the human rights defenders, Everardo de Jesús Puerta González, of the Cali branch of the Comité de Solidaridad con los Presos Políticos (CSPP) and Julio Ernesto González Trujillo, of the Medellín branch, were murdered after the bus in which they were travelling to the city of Bogotá had been held up.

8. The non-governmental human rights organizations have demanded preventive protection measures from the Dr. Pastrana Government, including a purge of the members of the Armed Forces who, by action or omission, have encouraged the paramilitaries, an act within the discretionary power of the President as commander-in-chief of the Armed Forces.

9. Under the new Government, human rights violations continue to be generalized, massive and systematic. The recommendations contained in the report of the United Nations High Commissioner for Human Rights, submitted to the Commission at its fifty-fourth session, have not been adopted.

10. For these reasons, the Colectivo de Abogados "José Alvear Restrepo" and the International Federation of Human Rights Leagues request the Commission to adopt, at its fifty-fifth session, a resolution on Colombia whereby it will:

(a) Ask the Government of Colombia to implement fully the recommendations of the High Commissioner for Human Rights, the Commission and the other specialized organs of the international system for the protection of human rights;

(b) Emphasize that the military criminal code should not be applicable to all types of offences and that crimes against humanity and the encouragement of paramilitary groups should be expressly excluded from its jurisdiction. Until the legislative changes take place, the President of the Republic should give express orders to the Armed Forces to abstain from

provoking conflicts of jurisdiction in cases involving combinations to promote paramilitary activities or to commit crimes against humanity or war crimes;

(c) Demand that the Government of Colombia remove forthwith from the police and the Armed Forces all those members who, by action or omission, have promoted paramilitary activities or have committed or abetted crimes against humanity, without prejudice to any ongoing disciplinary inquiry or criminal investigation;

(d) Urge the Government of Colombia to give its unconditional support to the Human Rights Unit of the Attorney-General's Office and the Office of the Attorney Delegate for Human Rights in their investigations of State agents or paramilitaries, so as to ensure that impunity will be overcome. And request the adoption of a single disciplinary code rendering it possible to impose penalties in keeping with the seriousness of the offences;

(e) Request the immediate release of human rights defenders held by paramilitary groups and procedural guarantees for those who are in detention, accused by "faceless witnesses" in the Regional Justice system. And request, once again, that the so-called Regional Justice or "faceless" system be dismantled immediately, because it violates the universal guarantees of due process;

(f) Ask the Government of Colombia to commit itself to tackling the causes of the enforced displacement of people and to develop an integral policy to care for this section of the population and to qualify the enforced displacement of people as a crime against humanity;

(g) Ask the Government of Colombia to promote an agreement to regulate the armed conflict with the guerrilla movement, having adequate methods of monitoring and of applying political and criminal sanctions; that guarantees the unrestricted application of international humanitarian law;

(h) Ask the Government of Colombia to abolish, once and for all, the regulations that have authorized the activities of the "Vigilance" and "Private Security" associations, known as CONVIVIR;

(i) Urge the Government of Colombia to adopt effective measures to protect the lives of human rights defenders and to investigate and punish any attempts against their lives, integrity or freedom; and

(j) Decide, as requested in the joint communication submitted by the Colombian non-governmental organizations present at this session of the Commission, to strengthen the Office in Colombia of the United Nations High Commissioner for Human Rights, to ensure that it limits itself strictly to its mandate and to specify that the report on its activities and on the human rights situation in Colombia is also to be submitted to the General Assembly of the United Nations, as a measure likely to strengthen the commitment of the international community to the betterment of the human rights situation in Colombia.

- - - - -